



DEPARTMENT OF VETERANS AFFAIRS
Washington DC 20420

SEP 09 2019

Via Email: 79461-16648449@requests.muckrock.com

Ms. Emma Best
MuckRock New
DEPT MR 73628
411A Highland Avenue
Somerville, MA 02144-2516

RE: Freedom of Information Act Tracking Number 19-11000-F

Dear Ms. Best:

This letter acknowledges receipt of your electronic Freedom of Information Act (FOIA) request to the Department of Veterans Affairs (VA) dated August 26, 2019, in which you requested:

Documents mentioning or describing any use of "Still Interested" letters (i.e. letters inquiring if the requester is still interested in the records requested) in the processing and/or closure of FOIA requests, including but not limited to:

1. The original proposal for their use.
2. Materials authorizing the use of any of the letters.
3. Controlling policies or procedures.
4. Any reports or statistics tracking their use, responses received and/or impact on any FOIA backlog.
5. Communications with OGIS regarding "Still Interested" letters.
6. Communications between the FOIA offices and general counsel's/legal services office discussing or mentioning "still interested" letters.
7. Materials describing or discussing the number of days given to requesters to respond.
8. Materials describing the agency's policy on reopening requests when a requester responds after the period of time specified in the letter.

The FOIA Service received your request on August 26, 2019, and assigned it FOIA tracking number 19-11000-F. Please refer to this number when communicating with the VA about this request.

The records you requested are maintained at the Office of Assistant Secretary for Information and Technology (OI&T).

You have been placed in the "news media" category, which means the requester is responsible for the fees associated with duplication, excluding the cost of the first 100 pages, which are free.

In response to items 1, 2, 3,7, and 8; the VA follows the Department of Justice, Office of Information Policy (OIP) guidelines regarding "Still Interested" letters.

"While use of 'still-interested' inquiries are an understandable way to help ensure that agency resources are appropriately spent processing requests for records where the requester remains interested in receiving the documents, it is equally important that requesters are not in any way disadvantaged by their use."

The new guidance outlines a series of procedures that agencies should use when inquiring whether a requester remains interested in the continued processing of his or her request.

These include:

- **Reasonable Grounds to Make "Still-Interested" Inquiry in the First Instance** – any "still-interested" inquiry should be limited to those situations where the agency has a reasonable basis to conclude that the requester's interest in the records may have changed;
- **Limiting the Number of Times "Still-Interested" Inquiries are Made** – absent good cause, agencies should not inquire more than once whether a requester is still interested in the request;
- **Using Requester's Preferred Method of Communicating** – email or telephone are often the most efficient ways to communicate with requesters and should be used as the default;
- **Providing Requesters with a Reasonable Amount of Time and Method to Respond to "Still-Interested" Inquiries** – the time period to allow requesters to respond to "still-interested" inquiries should be no shorter than thirty (30) working days and a simple response over the telephone, a reply to an email, or the checking of a box on a self-addressed form are all examples of easy methods that agencies can make available to requesters so that they can most readily respond to the inquiry; and

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- **Ensuring Requesters are Not Disadvantaged** – in the event a requester responds to a “still-interested” inquiry within a reasonable time after the deadline has passed, agencies should simply reopen the request and place it back into the agency’s queue in the same position it would have been had the “still-interested” inquiry not been sent.

To see the full text of the guidance and its accompanying checklist please go to:
<https://www.justice.gov/oip/oip-guidance-8>

In response to item 4, we found no responsive records on “any reports or statistics tracking their use, responses received and/or impact on any FOIA backlog regarding “Still Interested” letters.”

In response to item 5, we found no responsive records on “communications with OGIS regarding “Still Interested” letters.”

In response to item 6, we found no responsive records on “communications between the FOIA offices and general counsel’s/legal services office discussing or mentioning “Still Interested” letters.”

You have the right to appeal this partial response if you do not agree with this determination. You may appeal in writing to:

Department of Veterans Affairs
General Counsel (024)
810 Vermont Avenue
Washington, DC 20420

You may also submit your appeal via facsimile to (202) 273-6388 or via email to ogcfoiaappeals@va.gov within 90 days of the date of this communication. If you do appeal this determination, you must specify which part of the determination you are appealing. Please include a copy of your request and my letter with your appeal, and clearly state why you disagree with this determination. If you mail your appeal, both the front of the envelope and the letter should be clearly marked “FOIA Appeal”. Please also include a daytime telephone number in case the Office of General Counsel needs additional information.

As an alternative to submitting an appeal, you may contact the VA FOIA Public Liaison, which was created to offer mediation services to resolve disputes between FOIA requesters and the VA. Using the VA FOIA Public Liaison does not affect your right to appeal. You may contact the VA FOIA Public Liaison at:

Department of Veterans Affairs
VA FOIA Public Liaison (005R1C)
810 Vermont Ave., NW
Washington, DC 20420
Email: vacofoiaservice@va.gov
Telephone: (877) 750-3642
Facsimile: (202) 632-7581

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You also have the option, as an alternative to submitting an appeal, to contact the Office of Government Information Services (OGIS) whom was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies. Using OGIS does not affect your right to appeal. You may contact OGIS in any of the following manners:

Office of Government Information Services
National Archives & Records Administration
8601 Adelphi Road
College Park, MD 20740-6001
Email: ogis@nara.gov
Phone: (202) 741-5770
Toll-free: 1-877-684-6448
Facsimile: (202) 741-5769

This concludes the FOIA Service's response to your request. We appreciate your interest in the VA. There are no fees associated with processing your request.

If you have any further questions concerning this letter, you may contact Barbara Brown of my staff at (202) 632-7382.

Sincerely,



Ms. Dolores Johnson
Director, VACO FOIA Service
Quality, Performance, and Risk (QPR)
Office of Information and Technology (OIT)

THE END OF THE WORLD